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UNITED STATES DISTRICT COURT

for the
Southern District of OhioUnited States of America
v.
Artemio Montes GUTIERREZ

Case No.

D: 22. mg. 829

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 30, 2022 in the county of Franklin in the
Southern District of Ohio, the defendant(s) violated:

Code Section

21 U.S.C. §§ 841(a)(1) and (b)(1)
(A)(viii).

Offense Description

knowingly and intentionally possessing with intent to distribute 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its isomers, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(A)(viii).


This criminal complaint is based on these facts:

See attached affidavit, incorporated in reference herein

☒ Continued on the attached sheet.ATTESTED TO BY FACETIME @ FRCP 4.1
Sworn to before me and signed in my presence.Date: 3/31/2022City and state: Columbus, Ohio
Complainant's signature

DEA Task Force Officer J. Smith

Printed name and title


Norah McCann King
United States Magistrate Judge
Judge's signatureNorah McCann King United States Magistrate Judge
Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Jacob Smith, (hereinafter referred to as the Affiant) being duly sworn, depose and state:

1. I am currently employed as a Deputy for the Franklin County Sheriff's Office, currently assigned full-time as a Task Force Officer with the Drug Enforcement Administration (DEA) Columbus District Office. As such, I am an "investigative or law enforcement officer" of the United States within the meaning of Title 18, United States Code (U.S.C.) § 2510(7), that is, an officer of the United States empowered by law to conduct criminal investigations and make arrests for offenses enumerated in Title 18, U.S.C. § 2516. Your Affiant is empowered to investigate, to make arrests with or without warrants and to execute search warrants under the authority of Title 21, U.S.C. § 878 and the Ohio Revised Code. Since 2013, your Affiant has been employed with the Franklin County Sheriff's Office. Prior to that employment, your Affiant was employed with multiple law enforcement agencies within the State of Ohio for approximately three years. Those law enforcement agencies include the Village of Obetz Police Department as a full-time Officer, Sharon Township Police Department as a part-time Officer and the Westerville Police Department as a reserve Officer.
2. Prior to being assigned to the DEA Task Force in February 2019, your Affiant was a Detective with the Franklin County Sheriff's Office (FCSO), Special Investigations Unit and had been assigned to that unit since July 2014. Your Affiant, while assigned to the Special Investigations Unit, has conducted or participated in numerous state and federal narcotics investigations concerning the possession and distribution of controlled substances. Your Affiant was also assigned to the FCSO Heroin Overdose Prevention and Education (H.O.P.E) Task Force where I conducted numerous criminal investigations pertaining to fatal and non-fatal overdoses, these investigations resulted in convictions in Franklin County Common Pleas Court and United States District Court, Southern District of Ohio.
3. As a DEA Task Force Officer, I have participated in numerous investigations which have resulted in the successful prosecution of individuals and organizations involved in trafficking heroin, cocaine, cocaine base ("crack"), marijuana, methamphetamine and other controlled substances. Through the course of these investigations, I have personally interviewed confidential sources and other persons involved in the distribution of illegal narcotics. I have also interviewed persons arrested for the distribution of illegal narcotics. I have spoken with more experienced narcotics investigators with whom I have worked concerning the practices of narcotics traffickers and the best investigative methods to use when conducting investigations of narcotics trafficking organizations. Through the course of my investigations and through my conversations with more experienced narcotics investigators, I have become familiar with the methods and means utilized by persons who participate in the illegal distribution of controlled substances

PURPOSE OF AFFIDAVIT

1. This affidavit is made in support of an application for a federal arrest warrant and complaint against **Artemio Montes GUTIERREZ** (hereinafter referred to as "GUTIERREZ"). My knowledge of this investigation is based upon my own personal observations, as well as the observations and investigation conducted by other law enforcement officers knowledgeable of the facts and circumstances involved in the subject investigation. I have not included in this Affidavit all the facts known to me, but only that information sufficient to establish probable cause to believe that GUTIERREZ has committed a violation of Title 21, United States Code (U.S.C) Section 841 (a)(1) and (b)(1)(A)(viii) did knowingly and intentionally possess with intent to distribute 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its isomers, a Schedule II controlled substance.

FACTS SUPPORTING PROBABLE CAUSE

2. On March 31, 2022, Franklin County Municipal Court Judge Bill Hedrick authorized a State of Ohio search warrant for 4765 Stiles Avenue in Columbus, Ohio (hereinafter referred to as the TARGET LOCATION), the residence of Artemio Montes GUTIERREZ.
3. On the same date, the Franklin County Sheriff's Office SWAT team assisted the FCSO Special Investigations Unit with executing the search warrant at the TARGET LOCATION. During the time of execution, no individuals were located inside the residence. It should be noted, one the same day and prior to the execution of the search warrant, GUTIERREZ was arrested following a narcotics transaction with an undercover Detective. During the undercover transaction, GUTIERREZ provided the undercover Detective with a total of twenty bags of a clear crystal-like substance purported to be 20 pounds of methamphetamine in exchange for United States currency purported to be fifty-thousand dollars (\$50,000.00). GUTIERREZ arrived to the narcotics transaction in a red Chevrolet Silverado bearing Ohio registration (JJP-8443) which is registered to GUTIERREZ at the registered address of 4765 Stiles Avenue in Columbus, Ohio (TARGET LOCATION). Once GUTIERREZ was arrested, Detectives conducted a field test of the suspected methamphetamine which tested presumptive positive for methamphetamine.
4. While conducting the search of the TARGET LOCATION, investigators located items to include, large sums of United States Currency, approximately forty-two (42) clear plastic bags of a crystal-like substance suspected to be methamphetamine and large amounts of other substances that appeared to be illicit controlled substances. Investigators also located personal family photographs of GUTIERREZ within the residence as well as other documentation with GUTIERREZ's name and information throughout the residence. Investigators conducted a field test on the suspected methamphetamine which was determined weigh a total of 19,000 gross grams. A representative sample of the suspected methamphetamine that was located at the TARGET LOCATION tested presumptive positive for the presence of methamphetamine.

5. Following his arrest GUTIERREZ was read and waived his Miranda rights and agreed to speak with investigators. During the interview, GUTIERREZ stated he did not live at the TARGET LOCATION and added it was his "bosses" residence.
6. Based upon my experience and training, your Affiant is aware that the quantity of methamphetamine located inside the TARGET LOCATION is consistent with a distribution amount.
7. Based upon this information, your Affiant believes probable cause exists that on the above date, in the Southern District of Ohio, **Artemio Montes GUTIERREZ** to knowingly and intentionally possesses with intent to distribute 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, and salts of its isomers, a Schedule II controlled substance, in violation of 21 U.S.C. Section 841 (a)(1) and (b)(1)(A)(viii)


Jacob Smith
Task Force Office
Drug Enforcement Administration

Attested to ePRCP 4.1 by FACETIME
Sworn before me and subscribed in my presence on this 31st day of March, 2022, in
Columbus, Ohio.


Norah McCann King
United States Magistrate Judge



NORAH McCANN KING
UNITED STATES MAGISTRATE JUDGE